

From: Amy Rupp
To: Microsoft ATR
Date: 12/10/01 9:59pm
Subject: Microsoft Settlement

I have read the proposed Final Settlement of the Microsoft Anti-trust litigation and feel that it does not effectively remedy the harm done to consumers and competitors by Microsoft over the years. It specifically prohibits known blatant abuses of monopolistic power and appoints a technical oversight committee to ensure that those abuses do not occur again, but it in no way gives relief to the injured parties.

To encourage and allow competition in the marketplace, Microsoft must be disallowed to compete at every level of software present in a computer's operating system, firmware, and applications. To allow Microsoft to continue as a single business entity gives a de facto advantage to Microsoft products which are synergistic or rely upon other Microsoft products. For example, it would be easy to rewrite the Windows operating system to prefer specific attributes that only Microsoft employees know about; conversely, Microsoft employees who write applications can disproportionately impact the continuing redesign and evolution of the Windows operating system.

Given that Microsoft has blatantly violated anti-trust laws in the past and has already eliminated much, if not all, of the competition in the numerous markets it competes in, it needs further restriction or the situation will repeat itself. I liken it to having scorched the earth in a particular area. For years afterwards, nothing will grow but weeds, especially because the seeds that would have otherwise blossomed into plants have been killed by heat. Such plants are called competitive, invasive, and advantageous. It takes years for nature to rediversify such land; but intense effort by man can restore the balance and ensure that no one species overdominates. The proposed settlement fails to do this because it does not take into consideration the fact that Microsoft has already scorched the earth and gained unfair advantage. Instead, free of competition, this settlement will allow Microsoft to once again overdominate and invade the marketplace. Only a settlement which limits the number of areas Microsoft can compete in, or breaks Microsoft up into business units which have no more advantage to each other than an independent company and a Microsoft unit would have can possibly lead to a balanced marketplace. For now Microsoft "weeded out" the marketplace and freed itself of competitors. Now we must turn to the government to check Microsoft's unhealthy spread.

Sincerely,

Amy Rupp

